

ENTERED

March 01, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TRAVIS JAMES MULLIS,	§	
<i>Petitioner,</i>	§	
	§	
VS.	§	CIVIL ACTION NO. G-13-121
	§	
WILLIAM STEPHENS,	§	
	§	
<i>Respondent.</i>	§	

ORDER

On November 3, 2015, Travis James Mullis submitted a *pro se* filing asking to “immediately dismiss the entire habeas action” and “terminate the appointment of counsel.” (Docket Entry No. 50 at 1, 3). This Court has questioned Mullis in a telephonic hearing and found that it is appropriate to begin the process necessary to determine his competency to waive federal review and dismiss his attorneys. The Court therefore, **ORDERS** that Mullis be examined by:

Dr. Timothy James Proctor
11882 Greenville Avenue, Suite 107
Dallas, Texas 75243
(972) 644-8686 (Telephone)
(972) 644-8688 (Fax)

Dr. Proctor will determine whether Mullis is competent to waive federal habeas review, evaluating “whether he has capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defect which may substantially affect his capacity in the premises.” *Lopez v. Stephens*, 783 F.3d 524, 525

(5th Cir. 2015) (quoting *Rees v. Peyton*, 384 U.S. 312, 314 (1966)); *see also Wilcher v. Anderson*, 188 F. App'x 279, 281 (5th Cir. 2006); *Mata v. Johnson*, 210 F.3d 324, 328 (5th Cir. 2000); *Rumbaugh v. Procunier*, 753 F.2d 395, 396 (5th Cir. 1985).

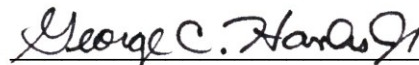
The Court **ORDERS** that the warden of the Polunsky Unit, or whosoever may have custody of Mullis, shall permit Dr. Proctor to visit and examine Mullis for the purpose of this competency evaluation.

The Court **ORDERS** the parties to provide Dr. Proctor all relevant records within thirty (30) days from the entry of this Order.

Dr. Proctor shall, within a reasonable time of conducting the examination discussed above, provide all parties and the Court with a written report describing his findings upon examination of Mullis.

The Clerk will deliver a copy of this Order to the parties and to Dr. Timothy James Proctor.

SIGNED at Galveston, Texas, this 1st day of March, 2016.

A handwritten signature in cursive script, reading "George C. Hanks Jr.", written over a horizontal line.

George C. Hanks Jr.
United States District Judge